



Dispute Resolution Services

Page: 1

Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

<u>Dispute Codes</u>	For the landlord:	OPC, OPN
	For the tenants:	CNC, CNC-MT (repeat application)

Introduction, Preliminary and Procedural Matters-

These applications for dispute resolution seeking remedy under the *Residential Tenancy Act (Act)* were originally set for hearing on April 27, 2021 on the landlord's application and the tenants' two applications for the same issue.

The landlord applied for:

- an order of possession of the rental unit pursuant to a One Month Notice to End Tenancy for Cause (1 Month Notice) served to the tenants; and
- an order of possession of the rental unit based upon the tenant's written notice.

The tenants filed one application for:

- an order cancelling the 1 Month Notice issued by the landlord.

The tenants filed another application for:

- an order cancelling the 1 Month Notice issued by the landlord; and
- an order extending the time to file an application disputing the Notice issued by the landlord.

Following the hearing on April 27, 2021, another arbitrator issued a Decision on May 3, 2021, dismissing the tenants' applications and granting the landlord an order of possession of the rental unit effective two days after service on the tenants.

The matters were appealed to the Supreme Court of British Columbia and in a Consent Order of November 16, 2021, the Supreme Court ordered the Decision of May 3, 2021, be set aside and further, that the matter is referred back to the Residential Tenancy Branch (RTB) and that the RTB shall consider the respondent's application on its merits.

This hearing was convened as the result of the Consent Order to consider the merits of the landlord's 1 Month Notice.

The landlord, the landlord's legal counsel, and the tenants' legal counsel attended and confirmed a settlement reached prior to the hearing.

The evidence submitted shows the parties signed a Mutual Agreement to End a Tenancy document signed by the landlord and tenant BK, in which the parties agreed in writing that the tenancy would end on June 30, 2022, at 12:00 pm.

At the hearing, the parties agreed that the landlord would be issued an order of possession of the rental unit effective for the date and time listed on the Mutual Agreement

Settled Agreement

The parties' respective legal counsels agreed to a mutual settlement under the following terms and conditions:

1. The tenancy shall end by 12:00 pm on June 30, 2022;
2. The parties acknowledge that the landlord will be issued an order of possession for the rental unit (Order), based upon the Mutual Agreement to End a Tenancy, which is not effective before the date and time listed on the Order.

Conclusion

The landlord and the tenants have reached a settled agreement of the matters in the landlord's and tenants' applications.

Based upon the settled agreement as outlined above, I provide the landlord with an order of possession of the rental unit in the event the tenants fail to vacate the rental unit by 12:00 pm on June 30, 2022.

This settlement agreement was reached in accordance with section 63 of the *Residential Tenancy Act*. The parties are bound by the terms of this agreement, as well as by the terms of their tenancy agreement and the Act. Should either party violate the terms of this settled agreement, the tenancy agreement or the Act, it is open to the other party to take steps under the Act to seek remedy.

This decision containing the recorded settlement of the parties is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*. Pursuant to section 77(3) of the Act, a decision or an order is final and binding, except as otherwise provided in the Act.

Dated: March 29, 2022

Residential Tenancy Branch